

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ARMAND I. BAKER,

Plaintiff,

v.

DEPUTY DOHERTY,

Defendants.

ORDER

Case No. 18-cv-316-wmc

Pro se plaintiff Armand I. Baker is proceeding in this action under 42 U.S.C. § 1983, claiming that defendant Deputy Sarah Doherty prevented him from praying in accordance with his Muslim beliefs and discriminated against him because he is Muslim in violation of the First and Fourteenth Amendments. On May 4, 2020, defendant filed a motion for summary judgment. (Dkt. #44.) On June 16, 2020, after plaintiff failed to oppose defendant's motion, the court issued an order giving plaintiff until July 7, 2020, to file a response to defendant's motion, warning plaintiff that his failure to respond by that deadline would cause the court to dismiss his claim with prejudice for failure to prosecute. (Dkt. #55.)

On June 25, 2020, the court received a letter from plaintiff, dated June 17, 2020, indicating that he missed his opposition deadline because he had been quarantined due to his contracting and recovering from COVID-19, representing that he is now healthy, and asking for an extension of the summary judgment deadline. (Dkt. #56.) It appears that his letter crossed in the mail with the court's order giving him additional time to respond to defendant's motion, and it further appears that plaintiff received the court's extension

order. Plaintiff's July 7, 2020, deadline passed over a week ago, but plaintiff has neither responded to defendant's motion for summary judgment, nor has he contacted the court requesting further extension. At this juncture, the court has no basis to conclude that plaintiff's health is preventing him from litigating this case or seeking further extension of his deadline, especially in light of his June 17, 2020, letter reporting that he is now healthy. Therefore, seeing no basis to conclude otherwise, the court finds that plaintiff has abandoned this lawsuit. Accordingly, this case is DISMISSED with prejudice for plaintiff's failure to prosecute. *See James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005) (district court has inherent authority to dismiss a lawsuit *sua sponte* for failure to prosecute).

ORDER

IT IS ORDERED that:

- 1) Plaintiff Armand Baker's claim in this lawsuit is DISMISSED with prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).
- 2) The clerk of court is directed to enter judgment accordingly.

Dated this 16th day of July, 2020.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge